

Minutes from February 24, 2021 Committee on Complex Litigation Meeting

Time: 4:30 – 6:30 pm

Place: Virtual (Zoom)

Attendees:

Judge Wallace, Chair
Judge Ensor
Judge Fletcher-Hill
Judge Kehoe

Judge Mulford
Judge Rubin
Judge Pauler

Staff:

Gray Barton
Linda Fallowfield

Next Committee Meeting: April 22, 4:30 – 6:00 pm via Zoom

Minutes

Meeting commenced with introduction of new coordinator, greetings to Committee Members and a brief overview of the history behind the Business and Technology (B&T) Subcommittee – now Committee of Complex Litigation.

Criteria - Judge Wallace entertained a motion to submit the proposed criteria for presumptive inclusion/exclusion (from October 2019 recommendations by the Workgroup on Business and Technology) as a draft rule to the Rules Subcommittee. Discussion ensued where some of the Committee members expressed their opinion that the criteria was overly broad. Judge Wallace then asked whether Committee Members agreed on the concept of a presumptive inclusion/exclusion but wanted to review the criteria – and whether the review of the criteria should be done by the Committee or Working Group. The Committee agreed to a concept of presumptive inclusion/exclusion and agreed that the Committee should review. The Coordinator was asked to circulate the criteria for comment and to compile responses.

Working Groups (WG) – Judge Wallace asked for recommendations for (judge) appointees to the WG. Judges Rubin and Kehoe volunteered to be on the B&T WG. The Committee asked that the Coordinator circulate to the Committee the Maryland State Bar Association (MSBA) response to their request for recommendations when it is received.

Opinions Collection – Judge Wallace noted that the Conference of Circuit Judges (CCJ) directed a change to the collection procedures for the B&T opinions whereby the Coordinator is now the collection point. Judge Wallace directed that the website be changed immediately to reflect this and asked that Committee members nominate judges for the Opinions Subcommittee. Judge Rubin volunteered and expressed a desire for approximately 3 judges to be on the Opinions

Subcommittee. Judge Wallace asked that Committee members nominate additional judges for the Opinions Subcommittee.

The Committee to decided to vote at the next meeting as to whether Westlaw should collect and make available the B&T opinions.

Training – Judge Wallace noted that CCJ’s mandate for training recommendations for B&T judges. A discussion ensued over the type of training with the consensus that a 2-day stand alone (boot camp) type of training open to everyone would be best as a start. Gray Barton indicated that due to issues of budget, administrative leave, etc., the earliest such a training could happen would be mid-2022. The Committee directed the staff to cost out a training and report back at the next Committee meeting. Judge Wallace also asked if the staff could informally inquire with the State Court Administrator, Pam Harris as to availability in the budget for the training.

Before the meeting started, Judge Rubin notified the Committee members on the line of the October 18, 2022 one day training class on B&T issues that he is teaching at the MD Judicial College.

Forms - the Committee agreed to refer all suggested forms to the WG for review and to obtain from the WG suggestions for future forms. Judge Wallace felt it was important for the Bar to have input on forms.

Miscellaneous – Judge Wallace asked Committee members to report back on anticipated need for B&T judges in their circuit. Judge Ensor indicated that this would be dictated in part by the criteria approved.

Action Items for Committee Members:

<u>Item</u>	<u>Due Date</u>
Review/Comment - Draft Preliminary Report	March 5, 2021
Approve Preliminary Report	March 10, 2021
Review/Comment - Draft B&T Criteria	March 29, 2021
Provide List of Designated B&T Judges for Circuit	April 22, 2021
Provide Names of Suggested Working Group Appointees (Judge)	April 22, 2021
Provide Names of Suggested Judges for Opinions Committee	April 22, 2021

Action Items for Coordinator

<u>Item:</u>	<u>Due Date:</u>
Send out Invite for next Meeting	February 26, 2021
Circulate draft Preliminary Report to Committee	March 1, 2021

Circulate MSBA Response to Request for Recommendations	March 2, 2020
Circulate draft B&T Criteria to Committee	March 11, 2021
Website Changes (Welcome Page & Protocol Page)	March 12, 2021
Circulate 2020 List of B&T Judges to Committee Members	March 16, 2021
Combine Committee Comments on Criteria	April 5, 2021
Cost 2022 2-Day Training Session	April 12, 2021